**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929**

**WP(C).No. 34333 of 2007(K)**
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**PETITIONER:**
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**SOMAKUMAR, S/O VELAYUDHAN,**
**AGED 38 YEARS, EZHUPURATH HOUSE,**
**ELINJIPRA DESOM, VILLAGE,**
**MUKUNDAPURAM TALUK, THRISSUR.**

**BY ADV. SRI.DENIZEN KOMATH**

**RESPONDENTS:**
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1. **AMBUJAM, W/O. CHANDRAN, CHETTIYAMPARAMBIL,**
   **ELINJIPRA VILLAGE, MUKUNDAPURAM TALUK**
   **THRISSUR.**

2. **SUNIL, S/O. AMBUJAM, CHETTIYAMPARAMBIL,**
   **ELINJIPRA VILLAGE,**
   **MUKUNDAPURAM TALUK, THRISSUR.**

3. **ANIL, S/O. AMBUJAM, CHETTIYAMPARAMBIL,**
   **ELINJIPRA VILLAGE, MUKUNDAPURAM TALUK,**
   **THRISSUR.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**M.N. KRISHNAN, J.**

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**W.P.C. NO. 34333 OF 2007**

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**Dated this the 21st day of November, 2007.**

**J U D G M E N T**

This writ petition is filed seeking to set aside Ext.P6 order passed by the learned Munsiff, Chalakudy in I.A.1865/07 in O.S.190/06. It was an application filed for reopening the evidence and to examine the Village Officer who inspected the property in O.S.278/05 to assist the Commissioner to locate the property in that case. It has to be stated that the plaintiff in O.S.190/06 is not a party to O.S.278/05. So, any plan prepared in that suit may not have any binding effect on the said party. Further the Commissioner has not been sought to be examined in this case. The Village Officer is a person who has only assisted the Commissioner to prepare the plan and report. Therefore, I do not find any fault with the learned Munsiff in dismissing the application for examination of the Village Officer.

2. Needles to say that if for a proper adjudication of the dispute between the parties the Court feels that a Commission is necessary, the Court may consider, if a request comes from any of the parties and decide it after hearing the other party.

The writ petition is disposed of accordingly.

**M.N. KRISHNAN, JUDGE.**

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